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PTO/SB/31 (08-03)  
Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
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<b>NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES</b>		<b>Docket Number (Optional)</b> 47097-001106USC1
In re Application of: Gary R. DeDuca et al.		
Application Number: 09/965,426		Filed: September 27, 2001
For MODIFIED ATMOSPHERIC PACKAGES AND METHODS FOR MAKING THE SAME		
Art Unit	1761	Examiner Jyoti Chawla

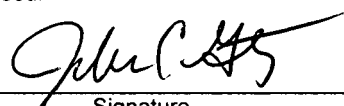
Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 1.17(b)) \$ 500.00

- ☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ \_\_\_\_\_
- ☐ A check in the amount of the fee is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 50-4181. I have enclosed a duplicate copy of this sheet.
- ☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

I am the

- ☐ applicant /inventor
- ☐ assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
- ☒ attorney or agent of record.  
Registration number 41,774
- ☐ attorney or agent acting under 37 CFR 1.34(a).  
Registration number if acting under 37 CFR 1.34(a). \_\_\_\_\_

  
\_\_\_\_\_  
Signature  
  
John C. Gatz  
\_\_\_\_\_  
Typed or printed name  
  
(312) 425-3900  
\_\_\_\_\_  
Telephone number  
  
May 23, 2007  
\_\_\_\_\_  
Date

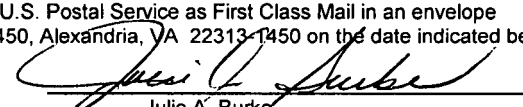
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☒ \*Total of 1 forms are submitted.

**CERTIFICATE OF MAILING 37 C.F.R. 1.8**

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below:

05/23/2007  
Date

  
Julie A. Burke

05/30/2007 CNECH1 00000033 504181 09965426  
01 FC:1401  
500-30 DA



PTO/SB/17 (12-04)

Approved for use through 7/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>Effective on 12/08/2004.</b> <b>Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).</b>		<b>Complete if Known</b>		
<b>FEE TRANSMITTAL</b> <b>For FY 2005</b>		Application Number	09/965,426	
		Filing Date	September 27, 2001	
		First Named Inventor	Gary R. DeDuca et al.	
		Examiner Name	Jyoti Chawla	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Art Unit	1761	
TOTAL AMOUNT OF PAYMENT	(\$)	500.00	Attorney Docket No.	247097-001106USC1

<b>METHOD OF PAYMENT</b> (check all that apply)	
<input type="checkbox"/> Check	<input type="checkbox"/> Credit Card
<input type="checkbox"/> Money Order	<input type="checkbox"/> None
<input type="checkbox"/> Other (please identify): _____	
<input checked="" type="checkbox"/> Deposit Account	Deposit Account Number: <u>50-4181</u> Deposit Account Name: <u>Nixon Peabody LLP</u>
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input checked="" type="checkbox"/> Charge fee(s) indicated below	<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee
<input checked="" type="checkbox"/> Charge any additional fee(s) or any underpayment of fee(s) under 37 CFR 1.16 and 1.17	<input checked="" type="checkbox"/> Credit any overpayments

<b>FEE CALCULATION</b>						
<b>1. BASIC FILING, SEARCH, AND EXAMINATION FEES</b>						
	<b>FILING FEES</b>		<b>SEARCH FEES</b>		<b>EXAMINATION FEES</b>	
		<b>Small Entity</b>		<b>Small Entity</b>		<b>Small Entity</b>
<b>Application Type</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>
Utility	300	150	500	250	200	100
Design	200	100	100	50	130	65
Plant	200	100	300	150	160	80
Reissue	300	150	500	250	600	300
Provisional	200	100	0	0	0	0
<b>2. EXCESS CLAIM FEES</b>						
<b>Fee Description</b>	<b>Fee (\$)</b>	<b>Small Entity Fee (\$)</b>				
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent						
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent						
Multiple dependent claims						
<b>Total Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>	<b>Multiple Dependent Claims</b>		
_____ - 20 = _____	x _____	= _____		<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>	
<b>Indep. Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>			
_____ - 3 = _____	x _____	= _____				
<b>3. APPLICATION SIZE FEE</b>						
If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).						
<b>Total Sheets</b>	<b>Extra Sheets</b>	<b>Number of each additional 50 or fraction thereof</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>		
_____ - 100 = _____	/50	_____ (round up to a whole number) x _____	= _____			
<b>4. OTHER FEE(S)</b>						
Non-English Specification, \$130 fee (no small entity discount)				<b>Fees Paid (\$)</b>		
Other: <input checked="" type="checkbox"/> <b>Notice of Appeal</b>				<b>\$500.00</b>		

<b>SUBMITTED BY</b>			
Signature		Registration No. (Attorney/Agent)	41,774
Name (Print/Type)	John C. Gatz	Telephone	(312) 425-8515
		Date	May 23, 2007

I hereby certify that this correspondence is being deposited with the U.S. Postal Service in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: May 23, 2007

Signature: (Julie A. Burke)